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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 31, 2013

TO: Internal File

THRU: Steve Christensen, Permit Supervisor, Team Lead *SLC*

FROM: Suzanne Steab, Engineering Tech II *SS*

RE: Midterm Permit Review, Emery Deep Mine, Consolidation Coal Company,
C/015/0015, Task ID #4363

SUMMARY:

In accordance with R645-303-211, The Division is required to review each active permit during its term. The Division commenced the Midterm Review for the Emery Deep Mine on May 31, 2013. This Technical Memorandum reviews the ownership and control information to ensure that it is current and correct as compared to the information found in the Applicant Violator System (AVS).

The findings in this memo are based on a review of the current Mining and Reclamation Plan (MRP).

An AVS violation check was conducted for the Emery Deep Mine on May 31, 2013. The permit evaluation retrieved 21 violations in the system. A narrative was requested and received from OSM on May 31, 2013 stating that all of the violations are either under settlement, payment plan or pending challenge.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

Consolidation Coal Company is the permittee and operator of the Emery Deep Mine. Consolidation Coal Company is solely owned by CONSOL Energy Inc. located in Pennsylvania.

The Ownership and Control information is current as of February 2009 and is found in Appendix 1-1.

The ownership of CONSOL Energy Inc. and Consolidation Company was checked against the AVS database on May 31, 2013.

Findings:

Some of the information in the current MRP, Appendix 1-1, does not match the information found in the OSM/AVS.

In accordance with **R645-301-112.330**, the Operator should submit updated pages to correct the Ownership and Control information in the Emery Deep MRP:

Consolidation Coal Company

Barletta Jr., Louis, Vice President, end date of 3/9/11
Cangilla, Daniel S., Treasurer, end date of 12/31/12
Ford, Rodney E., Assistant Secretary, end date of 12/31/12
King, Robert P., Director & Vice President, end dates of 3/16/12
Lilly, Peter B., Director & President, end dates of 1/31/09
Reyes, Alexander J., Secretary, end date of 6/26/12
Zachwieja, John F., Vice President, end date of 1/31/09
Hyita, Bart J., President, start date of 2/20/09
Pusateri, Robert F., Director, start date of 9/13/11
Stroupe, Steven R., Assistant Secretary, start date of 5/27/10

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Deiuliis, Nicholas J., Director, start date of 2/19/09
Richardson, Jack K., Vice President, start date of 2/20/09
Grech, James C., Vice President, start date of 9/13/11
Shaynak, Charles T., Vice President, start date of 2/20/09
Johnson, Stephen W., Director, start date of 6/26/12
Johnson, Stephen W., Vice President, start date of 9/22/11
Gillenwater, William D., Vice President, start date of 10/12/10
Kelly, David W., Vice President, start date of 2/20/09
Khani, David M., Vice President, start date of 6/26/12
Baker, Michael J., Secretary, start date of 6/26/12
Aspinall, Steve T., Treasurer, start date of 1/1/13

CONSOL Energy Inc.

Aloia, Albert A., Senior Vice President, end date of 11/15/12
Brock, James A., Senior Vice President, end date of 12/10/10
Delloma, Cecil L., Vice President, end date of 5/31/11
Gill, Stephanie L., Assistant Secretary, end date of 12/7/11
Harvey, Brett J., President, end date of 2/23/11
Hoffman, Thomas F., Senior Vice President, end date of 11/30/09
Hudson, David D., Vice President, end date of 1/31/09
King, Robert P., Senior Vice President, end date of 1/16/09
Lilly, Peter B., President, end date of 1/31/09
Richey, P. Jerome, General Counsel & Senior Vice President, end dates of 1/16/09
Richey, P. Jerome, Secretary, end date of 12/7/11
Schubel, Eric V., Vice President, end date of 2/5/09
Shaynak, Charles T., Vice President, end date of 12/10/10
Spec, Donna A., Assistant Secretary, end date of 12/31/12
Spurgeon, Paul A., Vice President, end date of 1/31/09
Whitmire, John A., Director, end date of 5/1/12
Zachwieja, John F., Vice President, end date of 1/31/09

Brock, James A., Chief Operations Officer, start date of 12/10/10
Gill, Stephanie L., Vice President, Secretary & General Counsel, start dates of 12/7/11
Harvey, Brett J., Chairman of the Board, start date of 6/28/10
Richey, P. Jerome, Executive Vice President, start date of 1/16/09
Shaynak, Charles T., Senior Vice President, start date of 12/10/10
Albert, Randall M., Chief Operations Officer, start date of 12/10/10
Baxter, Phillip W., Director, start date of 1/16/09
Pusateri, Robert F., Executive Vice President, start date of 1/16/09
Deiuliis, Nicholas J., President, start date of 2/23/11
Datesh, LuAnn, Vice President, start date of 10/7/11

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Grech, James C., Corporate Officer, start date of 11/15/12
Johnson, Stephen W., Corporate Officer & Exec Vice President, start dates of 12/31/12
Gillenwater, William D., Vice President, start date of 2/5/09
Husenits, Darryl M., Vice President, start date of 2/5/09
Hardoby, M. Charles, Vice President, start date of 2/5/09
Onifer, J. Michael, Senior Vice President, start date of 2/5/09
Kelly, David W., Vice President, start date of 1/16/09
Zajdel, Daniel, Vice President, start date of 3/23/09
Elswick, Richard K., Vice President, start date of 4/28/10
Powell, Christopher, Vice President, start date of 5/4/10
Aloia, David K., Vice President, start date of 12/10/10
Fredriksen, Katharine A., Senior Vice President, start date of 1/4/11
Salvatori, Kurt R., Vice President, start date of 9/13/11
Khani, David M., Vice President, start date of 9/1/11
Kenney, Stephen, Vice President, start date of 1/1/13
McLaughlin, Samuel, Vice President, start date of 11/15/12
Marsh, Christopher T., Vice President, start date of 11/15/12

Please address the above discrepancies by either updating the information in the MRP to reflect what is in AVS or provide Secretary Certificates to correct the AVS.

The Organizational Chart (Page 1 and 2 of Appendix 1-1) outlines the organization of CONSOL Energy Inc. and related companies. The MRP provides ownership and control information for all related companies displayed on the organizational chart. Only the ownership and control report information for CONSOL Energy Inc. and Consolidation Coal Company is required in the MRP. The ownership and control information for the related companies could be removed at the discretion of the permittee.

RECOMMENDATIONS:

The Operator should submit updated pages to correct the Ownership and Control information in the Emery Deep MRP in accordance with **R645-301-112.330**.